

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

CHAPTER 3

# **HOUSE BILL 2604**

AN ACT

AMENDING SECTION 49-746, ARIZONA REVISED STATUTES; RELATING TO SOLID WASTE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-746, Arizona Revised Statutes, is amended to  
3 read:

4 49-746. Private enterprise recycling and solid waste management

5 A. A municipality of this state, ~~with a population exceeding sixty~~  
6 ~~thousand,~~ shall not prohibit or unreasonably restrain a private enterprise  
7 from delivering commercial or industrial recycling services or commercial or  
8 industrial solid waste management services within or to the municipality.

9 B. The municipality shall prescribe rules for the delivery of  
10 recycling services and commercial or industrial solid waste management  
11 services that promote availability of these services and promote competition  
12 in the delivery of these services.

13 ~~C. It shall not be presumed to be an unreasonable restraint for a~~  
14 ~~municipality to have limited the number of commercial or industrial solid~~  
15 ~~waste management service companies to one company for each sixty thousand or~~  
16 ~~fewer persons in order to facilitate the regulation of solid waste collection~~  
17 ~~pursuant to section 49-765 provided that at least seven companies are~~  
18 ~~permitted under such an ordinance.~~

19 ~~D. For purposes of this section, the population of a municipality is~~  
20 ~~deemed to be the official estimate as last determined by the department of~~  
21 ~~economic security pursuant to section 41-1954.~~

APPROVED BY THE GOVERNOR MARCH 15, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 15, 2010.